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United States Courts
Southern District of Texas
FILED

MAR 23 2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA,
Plaintiff,

v.

BENJAMIN DOUGLAS GUIDRY,
Defendant.

Crim. No. 3:16-cr-00001 (GCH)

SUPPLEMENT TO MOTION TO
PROCEED IN FORMA PAUPERIS

COMES NOW Defendant Benjamin Guidry and respectfully requests that the Court allow him to proceed in forma pauperis in order to obtain documents needed to prepare a motion for relief under 28 U.S.C. §2255. In support of this request, Defendant submits the enclosed form motion and certification of prisoner trust account balance, and states as follows:

1. I am preparing a motion to set aside, vacate or correct my sentence in the above-captioned criminal matter. I am currently indigent in that I have no income or assets other than some money my family sends me periodically to buy necessities from the prison commissary. I have no money to pay for an attorney to assist me in this case, although another prisoner with legal experience has agreed to assist me in my filings on a pro bono basis.
2. It would be a substantial hardship for me to pay any part of

the court fees or expenses in my case. I know that there is no filing fee for a \$2255 motion, but I anticipate that in addition to fees for copies of documents I need to prepare my motion, there will be other expenses I incur during the course of my motion. These might include expenses for a court-appointed attorney, for a forensic psychiatrist's examination, and for a computer forensics expert. Although I know that such assistance is not provided in every \$2255 matter, it happens that I am factually innocent and I believe I will have an atypically strong case for collateral relief. Therefore, I would like to establish my financial situation early in the process, to aid the Court in determining what assistance may be appropriate later in the case when it is requested.

3. I am currently incarcerated at U.S. Penitentiary Tucson. Although the prison gives inmates an opportunity to earn a small amount of money by working, I am currently unable to work. I suffer from severe depression that has not been resolved with medication. I am classified as a "care level 2" inmate by the Bureau of Prisons and live in a special unit for prisoners with frequent medical care needs. I spend most of the day in my cell sleeping and usually go to only one or two meals a day. I just feel terrible all the time, like nothing will ever be all right again and that it would be best for everybody if I just died or

disappeared somehow. I understand that these feelings are mostly just a problem with my brain chemistry. But knowing that still does not stop the feelings or keep me from being in mental agony for most of the day.

4. My mother does send me some money to help me out. I feel terrible about this, too, like I am too helpless to even earn my own money and instead I have to be a burden to my family. It makes my depression worse having to think about this, so I try not to. My family has already spent a six-figure sum on my legal defense and is financially exhausted from the ordeal. I really cannot ask them to do any more for me, even if I thought they could.
5. I currently have about \$65 in my inmate trust fund account. I receive \$50 per week from my family to use on essentials. That definitely does not end up as \$50 a week of pop-tarts and potato chips. The money I get goes to calling family, which costs nearly \$4 for a 15-minute call, to basic toiletries like deodorant and shampoo (the prison only provides cheap soap, razors that don't work very well, toothpaste and small soft toothbrushes) and to over-the-counter medicines, especially pain relievers and cold medicine. Since I am often feeling too depressed to get out of bed, I do also have to buy some food from commissary, so that I at least have something to eat when I miss meals.
6. So to pay any portion of a court fee or cost, I would have to go without something basic and would suffer a hardship. I do not think I should have to suffer further in order to show

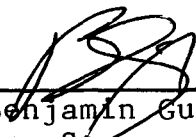
how I did not commit a single one of the crimes the government charged me with. I believe that once it knows more about circumstances that were not part of the record, the Court will want to get to the bottom of what happened in my case—most importantly how the government left a minor victim with the burden of believing she had been raped in her sleep, when that is absolutely false.

WHEREFORE the Defendant respectfully requests that the Court grant him in forma pauperis status and provide the copies he has requested in a separate motion free of charge.

I, Benjamin Guidry, swear under penalty of perjury that the foregoing information is true and correct.

Done this fifth day of March, 2018, in Tucson, Arizona.

Signed: _____


Benjamin Guidry
Pro Se